

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 3, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 3rd day of February, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham

ABSENT: None

OTHERS PRESENT: Mr. Jeff Bryant, City Attorney
Mr. Steve Lewis, City Manager
Ms. Rebecca Frazier, Assistant City Attorney
Ms. Syndi Runyon, Administrative Assistant IV

CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF A CHARTER REVIEW COMMITTEE.

Chairman Dillingham said the Council Oversight Committee had previously discussed Charter amendments and appointing a Charter Review Committee (CRC) to further review the City's Charter and she asked Ms. Rebecca Frazier, Assistant City Attorney, if a resolution or ordinance was needed to create the Committee or if it could be created by Council appointment. Ms. Frazier said it could be created by appointment. Chairman Dillingham felt the Charter should be reviewed, at least, every ten years, in alignment with the United States Census and members agreed. She said requirement for Boards and Commissions could be used as a template for the CRC application and citizens from all walks of life and neighborhoods could apply.

Councilmembers agreed that diversity is needed for the Committee and Councilmember Kovach said the CRC should be charged with holding public meetings for input on Charter issues, but felt the decision making body itself should be a slightly smaller group. Councilmembers discussed how large the CRC should be as well as the member selection process. Councilmember Kovach suggested choosing members by "lottery," but Councilmembers were concerned there would be no diversity in that method. Mr. Steve Lewis, City Manager, said Councilmembers should consider who they wanted in the group, not so much in name, but in position such as a local attorney familiar with municipal law or a long standing, well regarded former elected official. Chairman Dillingham asked Mr. Lewis how many members he thought would be workable and he replied nine to eleven. Councilmember Kovach said member selection should be based on qualification, not profession, and suggested mirror the selection process of the Public Safety Sales Tax Oversight Committee. He said that Committee consisted of qualified, diverse members. Chairman Dillingham said qualifications would have to be identified and defined on the board application and Councilmember Atkins said the Boards and Commissions application does ask about qualifications for the board being applied for. After further discussion, Councilmembers agreed that thirteen members would be sufficient with each Councilmember and Mayor selecting one person and four members being selected at large by the CRC, once established. They also decided that no more than three members should live in the same Ward. Councilmembers talked about selecting a diverse group of citizens from qualified positions and Councilmember Kovach suggested drafting a checklist of qualified positions to insure diversity. Councilmembers felt that experience or understanding of municipal government would be a key qualifier as well as prior community involvement. On the application Councilmembers wanted to add a line item asking what ward and precinct a person lived in and why they were interested in serving in the CRC as well as what they felt they could offer the Committee. Councilmember Kovach said he wanted to add language that applicants must be registered voters and suggested that every applicant be given a copy of the Ethics Policy prior to being asked to sign the Ethics Pledge. Councilmembers talked about ways to inform the public and solicit applications such as through the City website; local newspapers; Channel 20; social service agencies; schools and student organizations; and service clubs and organizations.

Councilmembers said the CRC should review the entire Charter and make recommendations for amendments or changes to the City Council. Councilmember Kovach said, in the past, had a Committee reviewed the Charter and forwarded recommendations to Council, but no action was taken with those recommendations. He suggested that recommendations of the CRC be, at the very least, placed on Council's agenda for approval, modification, or disapproval then put to a vote of the people. Councilmembers agreed and Mr. Lewis said if the entire Charter were reviewed, there could be 20 or more recommendations with some being housekeeping items and asked if the Council desired to vote on each recommendation. Chairman Dillingham felt Council should respond to each recommendation, but based on what Council is working on there may be times that Council would be supportive, but not feel the timing is not appropriate. She said Council could supply a response to each recommendation, which would allow Council to manage when recommendations appear on a ballot. Councilmembers agreed and felt this would help not to overwhelm voters. Councilmember Atkins felt that if the CRC reviewed the Charter every ten years, there should be a timeframe for the recommendations to be forwarded to a vote. Councilmember Kovach felt if recommendations on housekeeping items do not go on the ballot, then the CRC will never take on the hard issues. He said if citizens are going to put a year's worth of work into reviewing the Charter they need some kind of assurance that the important issues will be placed on a ballot. Chairman Dillingham felt it was important for Council to validate the work, but she was not sure how to do that. Chairman Dillingham asked Legal Staff what would be the best way not to overwhelm voters if 20 Charter changes appeared on the ballot. Mr. Jeff Bryant, City Attorney, said Norman has never had a Charter Commission, but in prior adhoc committees, Council always retained the right to accept or reject what went forward to a vote and adhoc committee reports went to Council as a whole for those decisions.

Councilmember Kovach said the last committee did not have more than eight to ten Charter changes and the only controversial item was raising Council's pay and he does not expect a new committee to have more than that. Mr. Lewis said the new committee would be a different group of citizens and there will probably be different opinions. Councilmembers also discussed reviewing quarterly reports from the CRC meetings to keep informed on what they are recommending. Councilmember Griffith asked if, at that point, would Council approve or reject recommendations and Chairman Dillingham said she would just consider the reports are for informational purposes only. Mr. Lewis said, generally, Councilmembers will not intervene in the process, but let the process work; however, Councilmembers could testify before the Committee on issues they felt strongly about. Councilmember Kovach said the Study Sessions would be more of a briefing and Mr. Lewis said minutes of the CRC could be provided to Council for updates and Chairman Dillingham agreed that would be the easiest way to keep Council informed.

Chairman Dillingham asked once the Committee was in place, would the City of Norman Legal Department act as their legal counsel and Mr. Lewis said he has seen the Legal Staff used in advisory positions and other times, on big government issues, Committees hired outside Counsel for a different viewpoint. Councilmember Kovach felt that legal support or helping draft recommendations should be provided at the request of the CRC. Mr. Bryant said that is usually how the process works with other committees. Councilmember Atkins said he knew legal Staff sat in with other boards and commissions to provide guidance, as needed.

Chairman Dillingham said she would like to be as hands off as possible and give the CRC the opportunity to have public hearings, bring whomever they want to testify, and identify their own issues. Councilmember Kovach liked the idea of the CRC holding quarterly public meetings and Councilmembers agreed. Councilmembers also talked about how often the CRC should meet and agreed they should meet at least once a month, but ultimately felt that decision should be left to the Committee. They also felt the CRC could finish their task in one year. The committee discussed the timeline for placing changes on the ballot while still having time to educate the public prior to a vote. Councilmembers discussed the deadline for acceptance of the final report from the CRC and conduct public hearings in order to get the recommendations placed on a March ballot and Chairman Dillingham suggested Staff develop a timetable to achieve that goal.

Councilmembers discussed public participation and what groups they would like to see involved. Councilmember Atkins felt the CRC should make that determination; however, Councilmember Kovach felt the Oversight Committee needed to ensure the CRC has representatives from the schools, hospital, Human Rights Commission, Children's Rights Commission, etc. Councilmember Kovach suggested a representative from the Oklahoma Municipal League (OML) help act as consultants to the CRC. Chairman Dillingham asked Mr. Bryant to contact OML, although she felt they would not be able to do this. Mr. Lewis suggested inviting OML to speak one time to the CRC to give them an overview of statewide Charter issues.

Mr. Lewis asked Mr. Bryant if the review process should be outlined in a resolution or ordinance and Mr. Bryant said a resolution to form and charge the committee then once the committee has finished its work they could recommend an ordinance or an amendment to the Charter to establish a formal CRC process. Councilmember Kovach asked if Council passed a resolution, would future Council's have the option to ignore the resolution and Mr. Bryant said a resolution is not a law so a future Council, if they wanted to go in another direction, could pass another resolution. Councilmember Kovach said he would like the resolution crafted in such a way that future Council's would have to rescind it by another resolution. Chairman Dillingham felt that could be done, but would it would be very hard to do and said Councilmembers need to remember that another group of policymakers can and do change policy. Councilmember Griffith said that since Norman's Charter does not require an ongoing Charter review, the CRC should be encouraged to draft an ordinance stating that every ten years a committee be appointed to review the Charter. Mr. Lewis felt once the CRC compares Norman's Charter with other cities, they will see Norman does not have an ongoing Charter amendment process so that discussion will come naturally as part of their review process.

Chairman Dillingham felt that it should be stressed to anyone applying that the process will take many hours of their personal time. Mr. Lewis asked how Councilmembers wanted to address CRC members missing meetings or dropping out and Councilmembers considered no more than two consecutive meetings or total of three should be missed. Chairman Dillingham suggested getting input from other Councilmembers on this issue as well. She asked that Staff draft a CRC process, based on tonight's discussion, for review at the next City Council Oversight Committee meeting in April.

Items submitted for the record

1. Memorandum dated February 1, 2010, from Rebecca R. Frazier, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to City Council Oversight Committee.

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:35 p.m.